## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Patent Application of:<br>Joost W. D. Pronk Van Hoogeveen et al. | Confirmation No.: 7336 |
| | Art Unit: 2193 |
| Application No.: 10/848,731 | |
| | Examiner: W. H. Wood |
| Filed: May 19, 2004 | |

For:  METHOD AND APPARATUS FOR
        DEPLOYING SOFTWARE APPLICATIONS
        USING A ZONE ARCHITECTURE

## APPEAL BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA  22313-1450

Dear Sir:

Pursuant to 37 CFR §41.37, please consider the following Applicants' Brief in the referenced application currently before the Board of Patent Appeals and Interferences.  As required under § 41.37(a), this brief is filed within two months of the Notice of Appeal filed in this case on September 24, 2008, and is in furtherance of said Notice of Appeal.

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## TABLE OF AUTHORITIES

## I.  Real Party of Interest

The real party of interest for the referenced application is Sun Microsystems, Inc.  An Assignment transferring all interest in the referenced application from the inventors to Sun Microsystems, Inc. was filed with the USPTO on May 19, 2004.  The Assignment is recorded at Reel 015384, Frame 0584.

## II.  Related Appeals and Interferences

To the best of the knowledge of the Appellants and Appellants' legal representative, there are no other appeals or interferences that will directly affect, be affected by, or have a bearing on the decision of the Board of Patent Appeals and Interferences ("the Board") in this appeal.

## III.  Status of Claims

A.  Total Number of Claims in Application

There are 20 claims pending in application.

B.  Current Status of Claims

1.  Claims pending:  1-20

2.  Claims rejected:  1-20

C.  Claims On Appeal

The claims on appeal are claims 1-20

## IV.  Status of Amendments

All of the amendments have been entered and considered by the Examiner.  No amendments have been filed subsequent to the Final Rejection.  The pending claims of record are presented in Appendix A.  The claims in Appendix A include the amendments filed by the Applicants on March 13, 2008.

**V.      Summary of Claimed Subject Matter**

Independent claim 1 is directed to a method for installing an application. *See, e.g.,* p. 2, ll. 2-5 and p. 4, ll. 8-9 of the Specification as filed. The method for installing the application includes creating a non-global zone in a global zone that executes on a first operating system. *See, e.g.,* p. 6, ll. 2-5 and ll. 17-24, and p. 7, ll. 21-23 of the Specification as filed. The application is installed in the non-global zone to obtain a remote non-global zone. *See, e.g.,* p. 2, ll. 2-5 and p. 8, ll. 4-8 of the Specification as filed. The execution environment of the application in the non-global zone is a partition of the first operating system. *See, e.g.,* p. 6, ll. 2-5 and ll. 17-24 of the Specification as filed. The method further includes packaging the remote non-global zone to obtain an application zone package. *See, e.g.,* p. 2, ll. 2-5 and p. 8, ll. 17-18 of the Specification as filed. The application zone package is deployed in a target global zone to create an installed application in a target non-global zone in the target global zone. *See, e.g.,* p. 2, ll. 2-5 and p. 8, ll. 26 – p. 9, ll. 20 of the Specification as filed. The target global zone executes on a second operating system, and the execution environment of the installed application is a partition of the second operating system. *See, e.g.,* p. 6 ll. 2-5 and ll. 17-24, and p. 8, ll. 26 – p. 9, ll. 20 of the Specification as filed.

Independent claim 13 is directed to a method for installing an application. *See, e.g.,* p. 2, ll. 6-11 of the Specification as filed. The method includes accessing a target global zone, wherein the target global zone executes on a first operating system. *See, e.g.,* p. 2, ll. 6-11, p. 6, ll. 2-5 and ll. 17-24, and p. 11, ll. 4-6 of the Specification as filed. The method also includes configuring a target non-global zone based on the target global zone. *See, e.g.,* p. 2, ll. 6-11, and p. 10, ll. 3-4 of the Specification as filed. Further, the target non-global zone is installed. *See, e.g.,* p. 2, ll. 6-11, and p. 10 and ll. 17-20 of the Specification as filed. The method further includes unpacking an

application zone package to obtain the application and a configuration script. *See, e.g.*, p. 2, ll. 6-11 and p. 8, ll. 17-25 of the Specification as filed. The application zone package is obtained by installing the application in a non-global zone of a global zone to obtain a remote non-global zone. *See, e.g.*, p. 2, ll. 6-11 and p. 8, ll. 17-25 of the Specification as filed. The global zone executes on a second operating system, and an execution environment of the application in the non-global zone is a partition of the second operating system. *See, e.g.*, p. 6, ll. 2-5 and ll. 17-24, and p. 11, ll. 21-24 of the Specification as filed. Obtaining the application zone package also includes packaging the remote non-global zone to obtain the application zone package. *See, e.g.*, p. 2, ll. 6-11 and p. 11, ll. 21-24 of the Specification as filed. The application is installed in the target non-global zone using the configuration script. *See, e.g.*, p. 2, ll. 6-11 and p. 10, ll. 17-20 of the Specification as filed. The execution environment of the application in the target non-global zone is a partition of the first operating system. *See, e.g.*, p. 6, ll. 2-5 and ll. 17-24 of the Specification as filed.

Independent claim 14 is directed to a system comprising a target global zone executing on a partition of a first operating system. *See, e.g.*, p. 2, ll. 12-16, and p. 6, ll. 2-5 and ll. 17-24 of the Specification as filed. The system also includes an application zone package comprising a remote non-global zone and a configuration script. *See, e.g.*, p. 2, ll. 12-16, p. 8, ll. 17-18, and p. 9, ll. 17-20 of the Specification as filed. The configuration script is configured to load the remote non-global zone in the target global zone. *See, e.g.*, p. 9, ll. 23-27 of the Specification as filed. The execution environment of the remote non-global zone initially is a partition of a second operating system. *See, e.g.*, p. 6, ll. 2-5 and ll. 17-24, and p. 11, ll. 21-24 of the Specification as filed. The execution environment of the remote non-global zone is a partition of the first operating system when the remote non-global zone is loaded in the target global zone. *See, e.g.*, p. 6, ll. 2-5 and ll.

17-24, and p. 11, ll. 4-6 of the Specification as filed. The remote non-global zone comprises an installed application. *See, e.g.*, p. 11, ll. 8-11 of the Specification as filed. The first operating system executes on a processor. *See, e.g.*, p. 12, ll. 5-8 of the Specification as filed.

Independent claim 17 is directed to a system comprising a target global zone executing on a first operating system. *See, e.g.*, p. 2, ll. 17-22, p. 11, ll. 22-24, and p. 6, ll. 2-5 and 17-24 of the Specification as filed. The system also includes an application zone package comprising a configuration script and an application. *See, e.g.*, p. 2, ll. 17-22, p. 9, ll. 17-20, and p. 11, ll. 13-14 of the Specification as filed. The application zone package is obtained by installing the application in a non-global zone of a global zone to obtain a remote non-global zone. *See, e.g.*, p. 8 ll. 4-18 of the Specification as filed. The global zone executes on a second operating system, and an execution environment of the application in the non-global zone is a partition of the second operating system. *See, e.g.*, p. 6, ll. 2-5 and ll. 17-24, and p. 11, ll. 21-24 of the Specification as filed. The application zone package is also obtained by packaging the remote non-global zone to obtain the application zone package. *See, e.g.*, p. 11, ll. 8-11 of the Specification as filed. The configuration script is configured to create a target non-global zone in the target global zone, configure the target non-global zone, install the target non-global zone, and install the application in the target non-global zone to create an installed application. *See, e.g.*, p. 2, ll. 17-22, and p. 9, ll. 11 - p. 10, ll. 20 of the Specification as filed. An execution environment of the installed application is a partition of the first operating system. *See, e.g.*, p. 6, ll. 2-5 and ll. 17-24 of the Specification as filed. The configuration script is further configured to configure the application within the target non-global zone. *See, e.g.*, p. 10, ll. 17-20 of the Specification as filed. The first operating system executes on a processor. *See, e.g.*, p. 12, ll. 5-8 of the Specification as filed.

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Independent claim 18 is directed to a computer system for installing an application, comprising a processor, a memory, a storage device, and software instructions stored in the memory. *See, e.g.*, p. 2, ll. 23 - p. 3., ll. 2, and p. 12, ll. 5-8 of the Specification as filed. The software instructions are for enabling the computer system under control of the processor to create a non-global zone in a global zone, wherein the global zone executes on a first operating system. *See, e.g.*, p. 2, ll. 23 - p. 3., ll. 2, p. 6, ll. 2-5 and ll. 17-24, and p. 7, ll. 21-23 of the Specification as filed. The software instructions further enable the computer system to install the application in the non-global zone to obtain a remote non-global zone. *See, e.g.*, p. 2, ll. 23 - p. 3., ll. 2, and p. 8, ll. 4-8 of the Specification as filed. An execution environment of the application in the non-global zone is a partition of the first operating system. *See, e.g.*, p. 6, ll. 2-5 and ll. 17-24 of the Specification as filed. The steps also include packaging the remote non-global zone to obtain an application zone package. *See, e.g.*, p. 2, ll. 23 - p. 3., ll. 2, and p. 8, ll. 17-18 of the Specification as filed. The application zone package is deployed in a target global zone to create an installed application in a target non-global zone in the target global zone. *See, e.g.*, p. 2, ll. 23 - p. 3., ll. 2, and p. 8, ll. 26 – p. 9, ll. 20 of the Specification as filed. The target global zone executes on a second operating system, and an execution environment of the installed application is a partition of the second operating system. *See, e.g.*, p. 6, ll. 2-5 and ll. 17-24, and p. 8, ll. 26 – p. 9, ll. 20 of the Specification as filed.

## VI.    Grounds of Rejection to be Reviewed on Appeal

The present Appeal addresses the following ground of rejection:

Whether claims 1-20 are patentable under 35 U.S.C. §103(a) over U.S. Patent No. 6,889,376 (hereinafter "Barritz") in view of VMWare Virtual Center User's Manual ("VMWare").

## VII.    Argument

### A.    Claims 1-20 are patentable over Barritz and VMWare

In this Appeal, Appellants argue that claims 1-20 are patentable over Barritz and VMWare, whether viewed separately or in combination, for at least the reasons given below. For the purposes of this Appeal, claims 1-20 stand or fall together. Independent claim 1 is representative of the group including claims 1-20.

As a preliminary matter, Applicants would like to clarify that the use of the term "partitioned" in the claims. Under *Phillips v. AWH Corporation*, words in a claim are "generally given their ordinary and customary meaning". *See Phillips v. AWH Corp.*, 415 F.3d 1303, 1312-13 (Fed. Cir. 2005); *Vitronics Corp. v. Conceptronic, Inc.*, 90 F.3d 1576, 1582 (Fed. Cir. 1996). "Because dictionaries, and especially technical dictionaries, endeavor to collect the accepted meanings of terms used in various fields of science and technology, those resources have been properly recognized as among the many tools that can assist the court in determining the meaning of particular terminology to those of skill in the art of the invention." *Phillips*, 415 F.3d at 1318. Further, "[i]n some cases, the ordinary meaning of claim language as understood by a person of skill in the art may be readily apparent even to lay judges, and claim construction in such cases involves little more than the application of the widely accepted meaning of commonly understood words...In such circumstances, general purpose dictionaries may be helpful." *Phillips*, 415 F.3d at 1314.

The term "partitioned" in computer science context is the same as the widely accepted meaning and therefore may be defined by a general purpose dictionary. Namely, the term "partitioned" is the result of the act or process of dividing something into parts. *See, e.g.,* partitioned. Dictionary.com. *The American Heritage® Dictionary of the English Language, Fourth*

*Edition.* Houghton Mifflin Company, 2004    http://dictionary.reference.com/browse/partitioned (accessed: July 21, 2008);  partitioned. *Merriam-Webster's Online Dictionary.* Merriam-Webster, Inc. 2008  http://www.merriam-webster.com/dictionary/partitioned (accessed: August 19, 2008).  In view of the above, "partitioned" in the claims is properly construed as the result of the act or process of dividing into parts.

Turning to the rejection, MPEP § 2143 states that "[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious."  The Supreme Court in *KSR International Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1739, 75 U.S.L.W. 4289 (2007) noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit.  *See*, MPEP §2143.  In the Office Action mailed March 24, 2008, the Examiner, in articulating the analysis used to reject the claims under 35 U.S.C. § 103, has described the various claimed elements taught and not taught by Barritz.  See Office Action mailed June 25, 2008, p. 2-3. Further, the Examiner has described the various claimed elements taught by VMware, which are not taught by Barritz.  *Id.*  The Examiner then concludes by asserting that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement [the teachings of Barritz] with [the teachings of VMware]" *Id.*

Using the above rationale, the Examiner "must articulate the following:  (1) a finding that the prior art included each ele-ment claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference; …" MPEP § 2143(A).

Moreover, under MPEP § 2144, "[I]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)" [emphasis added].

Independent claims 1, 13, 14, 17, and 18 are directed to installing an application in a zone environment. Specifically, a global zone executes on <u>a first operating system</u>. The global zone includes a non-global zone. The execution environment of an application in the non-global zone is <u>a partition of the first operating system</u>. An application zone package is obtained by packaging the non-global zone with the application. The application zone package is deployed in a target global zone. The target global zone executes on <u>a second operating system</u>. The deployment creates an installed application in a target non-global zone in the target global zone. The execution environment of the installed application is <u>a partition of the second operating system</u>. Thus, independent claim 1 requires, in part, that the execution environment of the application in the non-global zone is a partition of the first operating system while the execution environment of the application installed in the target non-global zone is a partition of the second operating system. Independent claims 13, 14, 17 and 18 include similar limitations to amended independent claim 1.

Applicants respectfully assert that Barritz and VMware fail to teach or suggest that the execution environment of the application in the non-global zone is a partition of the first operating system while the execution environment of the application installed in the target non-global zone is a partition of the second operating system.

Specifically, as stated by the Examiner, Barritz is silent with respect to aforementioned limitation. *See* Office Action dated June 25, 2008, p. 3. Moreover, VMware fails to teach that which Barritz lacks. In supporting the rejection, the Examiner makes the following errors: (i) The Examiner mischaracterizes the prior art by ignoring the express teachings of VMWare that the execution environment of applications on a virtual machine is a separate operating system; (ii) The Examiner mischaracterizes the prior art by improperly asserting that the virtualization platform software and the virtual center agent teach or suggest that the execution environment of the application is a partition of the operating system; (iii) The Examiner's proposed modification of VMware to have the execution environment of the application in the non-global zone is a partition of the first operating system while the execution environment of the application installed in the target non-global zone is a partition of the second operating system changes the principle of operation of VMware; and (iv) Barritz and VMWare fail to provide enabling disclosure to have the execution environment of the application in the non-global zone is a partition of the first operating system while the execution environment of the application installed in the target non-global zone is a partition of the second operating system.

*The Examiner mischaracterizes the prior art by ignoring the express teachings of VMWare that the execution environment of applications on a virtual machine is a separate complete operating system*

The limitations of the claims explicitly require, in part, that the execution environment <u>of the application is a partition of the operating system</u> on which the global zone executes. In support of the rejection of the aforementioned limitation, the Examiner asserts that a zone in the claims is equivalent to a virtual machine in VMware. Such an assertion ignores the express teachings of VMware.

In particular, VMware expressly teaches that the execution environments of applications are separate operating systems executing on the same physical computer system. Specifically, in VMware, a host (*i.e.*, a physical computer system) has multiple virtual machines. A virtual machine is a "personal computer environment in which a <u>guest operating system</u> and <u>associated application software</u> can run." *See* VMware Chapter 1, p. 15 [emphasis added]. Thus, VMware teaches that each virtual machine has a separate operating system (*i.e.*, the guest operating system). Therefore, the express teaching of VMware teaches that the execution environment <u>of applications</u> in a virtual machine is <u>not a partition</u> of an operating system as required by the claims of the present invention, but rather <u>a separate complete operating system</u> (*i.e.*, the guest operating system in the virtual machine).

*The Examiner mischaracterizes the prior art by improperly asserting that the virtualization platform software and the virtual center agent teach or suggest that the execution environment of the application is a partition of the operating system*

In support of the rejection, the Examiner improperly divides the limitation, "the execution environment of the application in the non-global zone is a partition of the first operating system" into two parts: (i) "the execution environment of the application in the non-global zone" and (ii) "partition of the first operating system". Specifically, as discussed above, the Examiner equates a zone to a virtual machine, while at the same time equating the operating system to the virtualization platform software and the virtual center agent. However, as discussed above, if a zone can be equated to a virtual machine, then the execution environment of an application is the operating system of the virtual machine on which the application executes rather than a partition of the virtualization platform software and the virtual center agent.

Moreover, even assuming arguendo that the Examiner is properly parsing the single limitation, a partition of an operating system cannot be equated to both the virtualization platform software and the virtual center agent. First, the virtualization platform software fails to teach or suggest that the execution environment of an application is a partition of the operating system. Specifically, VMware teaches that the virtualization platform software and the virtual center agent merely provide virtualization services for the virtual machine and are never partitioned. *See, e.g.,* VMware, Virtual Machine bullet, and host bullet, p. 15 (stating that "through the virtualization platform, you run the virtual machines, install operating systems and run applications"). Accordingly, the virtualization platform is never partitioned in VMware. Thus, the Examiner's contentions that VMware teaches the execution environment of an application is a partition of the virtualization platform software are completely unsupported by the disclosure in VMware.

Second, the virtual center agent fails to teach or suggest that the execution environment of an application is a partition of the operating system. Specifically, the virtual center agent is not a partition of an operating system. Rather, an instance of the virtual center agent is installed on each host (*i.e.*, physical computer system) to collect, communicate, and execute the actions received from a separate server. *See,* VMware, Virtual Center Agent bullet, p. 16 and the Figure on page 16. Namely, each physical computer system has separate instance of a virtual center agent. This understanding is supported by Figure 16, which is relied on by the Examiner, which shows a schematic diagram of the system showing that a separate virtual center agent installed on each host (*i.e.*, physical computer system). VMware fails to show in the Figures or disclose in text, much less suggest, that the virtual center agent is ever a partition of an operating system or that it is itself

partitioned. Thus, the Examiner's contentions that the virtual center agent is a partition of an operating system are also completely unsupported by VMware.

*The Examiner's proposed modification of VMware to have the execution environment of the application in the non-global zone is a partition of the first operating system while the execution environment of the application installed in the target non-global zone is a partition of the second operating system changes the principle of operation of VMware;*

The Examiner's proposed modification of VMware to have the execution environment of the application in the non-global zone is a partition of the first operating system while the execution environment of the application installed in the target non-global zone is a partition of the second operating system changes the principle of operation of VMware. Specifically, the goal of VMware is to have multiple separate and independent virtual computer systems (i.e., virtual machines) execute on the same physical computer system. *See, e.g.*, VMware, p. 12 and p. 15. The different virtual machines have separate operating systems. *Id.* Because each virtual machine has a separate operating system, a virtual machine may be migrated from one physical machine to another physical machine without changing the execution environment of the applications executing in the virtual machine. *Id.* This allows for zero-downtime of applications for maintenance of the physical computer system, which is a central goal of VMware. *Id.* If the execution environment of the virtual computer system were only a partition of operating system of the physical computer system, then the migration would cause a different execution environment for the applications in the virtual machine being migrated. Thus, with the Examiner's proposed modification, the execution environment of the applications would change when a virtual machine is migrated. Namely, the modification changes the principle goal and operation in VMware. Therefore, under *in re Ratti*, the teachings of VMware are not sufficient to render the claims prima facie obvious.

_Barritz and VMWare fail to provide enabling disclosure to have the execution environment of the application in the non-global zone is a partition of the first operating system while the execution environment of the application installed in the target non-global zone is a partition of the second operating system._

Moreover, MPEP § 2121 (III) requires that the prior art used in a rejection include enabling disclosure that "describes the claimed invention in sufficient detail to enable a person of ordinary skill in the art to carry out the claimed invention." Even considering the above, Barritz and VMware fail to provide enabling disclosure to have the execution environment of the application in the non-global zone is a partition of the first operating system while the execution environment of the application installed in the target non-global zone is a partition of the second operating system. Specifically, both Barritz and VMware are completely silent with respect to partitioning an operating system. Therefore, even if Barritz and VMware could be modified to teach or suggest the execution environment of the application in the non-global zone is a partition of the first operating system while the execution environment of the application installed in the target non-global zone is a partition of the second operating system, there is no enabling disclosure in either reference to support such modifications.

**B.    Summary**

In view of the above, the Examiner has failed to produce a _prima facie case_ of obviousness. Thus, the Examiner's contentions do not support the rejection of claims 1-20. Accordingly, claims 1-20 are patentable over Barritz and VMWare.

## VIII.    Conclusion

As shown above, the Examiner's contentions do not support the rejection of claims 1-20 under 35 U.S.C. §103(a).   Accordingly, a favorable decision from the Board is respectfully requested.

Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 03226/414001; SUN040642).

Dated:   November 21, 2008                         Respectfully submitted,


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## CLAIMS APPENDIX

Claims Involved in the Appeal of Application Serial No. 10/848,731

1.  A method for installing an application, comprising:

    creating a non-global zone in a global zone, wherein the global zone executes on a first operating system;

    installing the application in the non-global zone to obtain a remote non-global zone, wherein an execution environment of the application in the non-global zone is a partition of the first operating system;

    packaging the remote non-global zone to obtain an application zone package; and

    deploying the application zone package in a target global zone to create an installed application in a target non-global zone in the target global zone, wherein the target global zone executes on a second operating system, and wherein an execution environment of the installed application is a partition of the second operating system.

2.  The method of claim 1, wherein installing the application in the non-global zone comprises:

    determining at least one application configuration parameter for the application; and

    configuring the remote non-global zone using the at least one application configuration parameter.

3.  The method of claim 2, wherein the at least one configuration parameter comprises a network port.

4.  The method of claim 2, wherein the at least one configuration parameter comprises a memory parameter.

5.  The method of claim 2, wherein the at least one configuration parameter comprises a user account.

6. The method of claim 1, wherein packaging the remote zone comprises:

 copying the remote non-global zone to obtain a copy of the remote non-global zone; and

 converting the copy of the remote non-global zone into the application zone package.

7. The method of claim 6, wherein the application zone package is a self-extracting file.

8. The method of claim 6, wherein the application zone package comprises a configuration script.

9. The method of claim 1, wherein deploying the application zone package comprises:

 accessing the target global zone;

 configuring the target non-global zone;

 installing the target non-global zone;

 unpacking the application zone package to obtain the remote non-global zone; and

 copying a copy of the remote non-global zone into a file space occupied by the target non-global zone.

10. The method of claim 9, further comprising:

 associating the copy of the remote non-global zone in the target global zone with hardware upon which the target global zone is executing.

11. The method of claim 10, wherein associating the remote non-global zone in the target global zone with the hardware comprises specifying an internet protocol address.

12. The method of claim 1, wherein the remote non-global zone is located in a remote global zone.

13. A method for installing an application, comprising:

accessing a target global zone, wherein the target global zone executes on a first operating system;

configuring a target non-global zone based on the target global zone;

installing the target non-global zone;

unpacking an application zone package to obtain the application and a configuration script, wherein the application zone package is obtained by:

installing the application in a non-global zone of a global zone to obtain a remote non-global zone, wherein the global zone executes on a second operating system, wherein an execution environment of the application in the non-global zone is a partition of the second operating system; and

packaging the remote non-global zone to obtain the application zone package; and

installing the application in the target non-global zone using the configuration script, wherein an execution environment of the application in the target non-global zone is a partition of the first operating system.

14. A system comprising:

a target global zone executing on a partition of a first operating system; and

an application zone package comprising a remote non-global zone and a configuration script,

wherein the configuration script is configured to load the remote non-global zone in the target global zone, wherein an execution environment of the remote non-global zone initially is a partition of a second operating system, wherein an execution environment of the remote non-global zone is a partition of the first operating system when the remote non-global zone is loaded in the target global zone,

wherein the remote non-global zone comprises an installed application, and

wherein the first operating system executes on a processor.

15. The system of claim 14, further comprising:

  a target non-global zone located in the target global zone, wherein the configuration script is configured to copy the remote non-global zone into a file space occupied by the target non-global zone.

16. The system of claim 14, wherein the application zone package is a self-extracting file.

17. A system comprising:

  a target global zone executing on a first operating system; and

  an application zone package comprising a configuration script and an application, wherein the application zone package is obtained by:

    installing the application in a non-global zone of a global zone to obtain a remote non-global zone, wherein the global zone executes on a second operating system, wherein an execution environment of the application in the non-global zone is a partition of the second operating system; and

    packaging the remote non-global zone to obtain the application zone package, and

  wherein the configuration script is configured to:

    create a target non-global zone in the target global zone,

    configure the target non-global zone,

    install the target non-global zone,

    install the application in the target non-global zone to create an installed application, wherein an execution environment of the installed application is a partition of the first operating system, and

    configure the application within the target non-global zone, and

  wherein the first operating system executes on a processor.

18. A computer system for installing an application, comprising:

    a processor;

    a memory;

    a storage device; and

    software instructions stored in the memory for enabling the computer system under control of the processor, to:

        create a non-global zone in a global zone, wherein the global zone executes on a first operating system;

        install the application in the non-global zone to obtain a remote non-global zone, wherein an execution environment of the application in the non-global zone is a partition of the first operating system;

        package the remote non-global zone to obtain an application zone package; and

        deploy the application zone package in a target global zone to create an installed application in a target non-global zone in the target global zone, wherein the target global zone executes on a second operating system, and wherein an execution environment of the installed application is a partition of the second operating system.

19. The method of claim 1, wherein the installing the application and packaging the remote non-global zone is performed by a vendor, and wherein the application zone package is deployed at a location of a first consumer.

20. The method of claim 19, further comprising:

    deploying the application zone package at a location of a second consumer.

## <u>EVIDENCE APPENDIX</u>

No evidence is submitted herewith.

## **RELATED PROCEEDING APPENDIX**

No related proceedings are referenced in Section II. above, hence copies of decisions in related proceedings are not provided.